IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

WP(C).No. 35277 of 2007(Y)

(OS.365/2005 OF MUNSIFF COURT,CHAVAKKAD)
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PETITIONER:

ABDUL HABEEB, S/O. P.V.MUHAMMED KUTTY,
PUTHUVEETTIL HOUSE, MAMIYOOR AMSOM DESOM,
CHAVAKKAD TALUK, PIN-680 101.

BY ADV. SRI.P.RAMACHANDRAN.

RESPONDENTS:
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1. **SUDHEER,**
   MANDOTHINKAL NARAYANAN, KANDANASSERY VILLAGE,
   THALAPPILLY TALUK, KANDANASSERY P.O.,
   THRISSUR DISTRICT, PIN-680 602.

2. **MUHAMMADUNNY, S/O. VYSYAM VEETTIL**
   MAMMAD, CHOWALLOOR DESOM, KANDANASSERY VILLAGE,
   THALAPPILLY TALUK, KANDANASSERY P.O.,
   THRISSUR DISTRICT, PIN-680 602.

3. **KERAM CHITS AND LOANS (PVT.) LTD.,**
   K.K.M.BUILDING, GURUVAYOOR AMSOM AND DESOM,
   CHAVAKKAD TALUK, REP. BY MANAGING DIRECTOR
   P.K.VARGHESE, P.O.GURUVAYOOR, PIN-680 101.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 35277 OF 2007

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Dated this the 29th day of November, 2007.

J U D G M E N T

This writ petition is filed directing the Court below to dispose of I.A.1995/06 in I.A.1331/05 in O.S.365/05 pending before the Munsiff Court, Chavakkad. Ext.P2 is an application whereby the 3rd defendant in the case has requested the Court to lift the attachment and Ext.P3 is an application filed by a person who has agreed to purchase the property from the 3rd defendant.

2. The suit is one for realisation of money due under a promissory note. The case of the 3rd defendant is that he had purchased the property as early as in 2000. Attachment is effected only in the year 2005 and therefore at the time of ordering attachment the defendant in the suit did not have any right over the property and therefore the attachment is liable to be lifted. The writ petitioner in turn would contend that since he has agreed to purchase the property and as

there is an attachment pending it causes difficulty for him to proceed with the sale and therefore he also prays for disposal of Ext.P3 application. It is seen that Ext.P3 application is filed towards the end of September, 2007. Ext.P2 application is filed during June, 2006. There is considerable force in the contention of the counsel for the petitioner that there must be an early hearing of the matter. I am conscious that Chavakkad Munsiff Court is a very heavy Court but when there are materials available to show that there is urgency in the matter and that there is an arguable case for the petitioners, it is desirable that the Court is directed to dispose of the matter as expeditiously as possible at any rate within a period of six weeks from the date of receipt of copy of this order.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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